

REMARKS

Claims 1-20 have been examined on their merits, and are all the claims presently pending in the application.

1. Claims 1 and 7 stand rejected under 35 U.S.C. § 112 (2nd para.) as allegedly being indefinite. Applicants traverse the § 112 (2nd para.) rejection of claims 1 and 7 for at least the reasons discussed below.

With respect to claims 1 and 7, Applicants have removed the conditional “if” statement from the recited elements of claims 1 and 7. Applicants submit that the § 112 (2nd para.) has been overcome, and respectfully request withdrawal of same.

2. Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Conklin *et al.* (U.S. Patent No. 6,141,653) in view of Levine *et al.* (U.S. Patent No. 6,233,566). Applicants traverse the § 103(a) rejection of claims 1-20 for at least the reasons discussed below.

The Patent Office acknowledges that Conklin *et al.* fail to teach or suggest at least a set of transaction rules established by a respective combination of supplier and buyer prior to the buyer’s selection of a product available from a plurality of suppliers. The Patent Office alleges that Levine *et al.* supplies the necessary disclosure to overcome the acknowledged deficiencies of Conklin *et al.*

The combination of Conklin *et al.* and Levine *et al.* fail to teach or suggest at least non-public data comprising at least one set of transaction rules for a combination of supplier and

buyer, wherein the transaction rules are agreed to by the combination of supplier and buyer prior to the buyer's selection of a product, as recited in claim 1. The Patent Office notes that Conklin *et al.* disclose that a standards body could establish standards for accepting stockbrokers into a trading community, and the standards might require compliance with applicable securities regulations. *See* col. 17, line 60-64 of Conklin *et al.* Applicant fail to see the relevance of this statement to the § 103(a) rejection of claim 1, in that the cited passage lacks any teaching or suggestion of the transaction rules for a combination of buyer and supplier of a product, as recited in claim 1.

With respect to Levine *et al.*, the Patent Office cites col. 6, lines 15-18, which recites that the invention disclosed therein “archives rules which are pre-set by investors, so that the right types of loans are originated, thereby creating an efficiency in loan origination and resale.” However, the pre-set rules of Levine *et al.* are directed towards the selection of the types of loans to purchase, and are not the type of transaction rules recited in claim 1. For example, at col. 9, lines 10-40, Levine *et al.* disclose pre-set rules for guiding the selection of loans to purchase based on certain criteria, *e.g.*, interest rates, loan/value ratio, FICO score, etc. At col. 13, lines 52-64, Levine *et al.* disclose the use of pre-set rules to target borrowers that fit within loan originator's requirements. *See also* col. 14, lines 36-41 of Levine *et al.* In sum, the pre-set rules disclosed by Levine *et al.* are directed to winnowing out loans for resale that meet certain eligibility requirements.

Moreover, Levine *et al.* does not cure the acknowledged deficiencies of Conklin *et al.* As presented in the previous submission to the Patent Office, Conklin *et al.* disclose that the buyer

initiates negotiations or sends out a request for proposal or quote to receive terms on a selected product. Levine *et al.* selects certain loans from a pool of available loans that meet criteria established by an investor. In the combination of Conklin *et al.* and Levine *et al.*, there is no disclosure of earlier agreed-to transaction rules that exist between a combination of buyer and seller, nor is there any generation of a cost estimate that is triggered based on the buyer's selection of a product, wherein the cost estimate is based on the earlier agreed-to transaction rules. For example, Levine *et al.* only discloses an investor's pre-set rules for selecting suitable loans for origination and resale. Levine *et al.* does not disclose any pre-set rules existing between the investor and the purchaser of the resold loan. In sum, the combination of Conklin *et al.* and Levine *et al.* fails to meet the "all limitations" prong of a *prima facie* case of obviousness.

One of ordinary skill in the art would not be motivated to combine the references. Neither reference teaches or suggests at least non-public data comprising at least one set of transaction rules for a combination of supplier and buyer, wherein the transaction rules are agreed to by the combination of supplier and buyer prior to the buyer's selection of a product. Thus, the combination of Conklin *et al.* and Levine *et al.* fails to meet the motivation prong of a *prima facie* case of obviousness.

Based on at least the foregoing reasons, Applicants submit that claim 1 is in condition for allowance over the combination of Conklin *et al.* and Levine *et al.*, and further submit that claims 2-6, 16 and 17 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 1-6, 16 and 17.

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With respect to independent claim 7, Applicants submit that claim 7 is allowable for at least reasons analogous to those discussed above with respect to claim 1. Applicants submit that claim 7 is in condition for allowance over the combination of Conklin *et al.* and Levine *et al.*, and further submit that claims 8, 9, 11-14, 18 and 19 are allowable as well, at least by virtue of their dependency from claim 7. Applicants respectfully request that the Patent Office withdraw the § 103(a) rejection of claims 7-9, 11-14, 18 and 19.

With respect to independent claims 15 and 20, Applicants submit that claims 15 and 20 are allowable for at least reasons analogous to those discussed above with respect to claim 1. Applicants submit that claims 15 and 20 are in condition for allowance over the combination of Conklin *et al.* and Levine *et al.*, and request that the Patent Office withdraw the § 103(a) rejection of claims 15 and 20.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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